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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

NIRVANA L.L.C., a Washington Limited
Liability Company,

Plaintiff / Counterdefendant,

vs.

MARK JACOBS INTERNATIONAL
L.L.C., a Delaware Limited Liability
Company; SAKS INCORPORATED, d/b/a
SAKS FIFTH AVENUE, a Tennessee
Corporation; NEIMAN MARCUS GROUP
LIMITED L.L.C., a Delaware Limited
Liability Company; and Does 1 through 10,

Defendants / Counterclaimants.

Robert FISHER,

Plaintiff-in-Intervention,

vs.

NIRVANA L.L.C., a Washington
Limited Liability Company; MARC
JACOBS INTERNATIONAL L.L.C., a
Delaware Limited Liability Company;
SAKS INCORPORATED, d/b/a SAKS
FIFTH AVENUE, a Tennessee
Corporation; NEIMAN MARCUS
GROUP LIMITED L.L.C., a Delaware
Limited Liability Company; and Does 1
through 10,

Defendants-in-Intervention.

Case No. 2:18-cv-10743-JAK-JK

Assigned to Hon. John A. Kronstadt

**DECLARATION OF ROBERT
FISHER IN SUPPORT OF MOTION
FOR LEAVE TO INTERVENE
PURSUANT TO FED. R. CIV. P. 24**

Date: March 8, 2021

Time: 08:30am

Courtroom: 10B

DECLARATION OF ROBERT FISHER

I, Robert Fisher, declare and state:

1. I have personal knowledge of the following facts and could competently testify to these facts if called upon to do so.

2. This Declaration is submitted in support of my Motion for leave to intervene.

7 3. In 1991, I created the Happy Face illustration that is at the heart of the
8 litigation between Nirvana and Marc Jacobs. I also did the graphic design for the
9 Happy Face t-shirt. I did not, however, come up with the Flower Sniffin phrase on
10 the back of the t-shirt, nor do I recall who came up with it or provided it to me.

4. I was never a salaried employee of Nirvana, Inc.

12 5. I never executed any agreement with, nor did I ever receive any
13 consideration from, Nirvana, Inc. or any related party with respect to the creation
14 or use of the Happy Face illustration or t-shirt design.

15 6. I first became aware of this suit and the allegation that Kurt Cobain
16 created the Happy Face on November 27, 2019.

17 7. I immediately reached out to Michael Meisel with Silva Artist
18 Management, with whom I have been dealing on and off for the last 30 years about
19 all matters related to Nirvana. I explained to Mr. Meisel that I created the Happy
20 Face illustration, not Kurt Cobain, and emailed him the original xerox copy that I
21 used for the t-shirt, as well as a flyer on which I also incorporated the Happy Face
22 illustration. A number of emails and phone calls ensued, in which I was asked at
23 least a couple of times to sit tight and stay quiet, and not send him any more emails
24 on the topic.

25 8. On February 19, 2020, I was subpoenaed by Marc Jacobs to testify at a
26 deposition and to produce all documents in my possession relating to the Happy
27 Face.

28 9. I retained counsel shortly after. Through counsel, I learned that Nirvana

1. were repudiating not only my ownership of the copyrights in the Happy Face
2. illustration and t-shirt design, but also my authorship. To the best of my knowledge
3. and despite several conversations between counsel, Nirvana have not changed their
4. position since.

5. I declare under penalty of perjury that the foregoing is true and correct.

6. Executed on August 10, 2020, in Los Angeles County, California.

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11 Robert FISHER
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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2020, a true and correct copy of the foregoing DECLARATION OF ROBERT FISHER IN SUPPORT OF MOTION FOR LEAVE TO INTERVENE PURSUANT TO FED. R. CIV. P. 24 was filed electronically with the Clerk of the above-captioned Court utilizing the Court's CM/ECF system, resulting in an automatic transmission of a Notice of Electronic Filing to all counsel of record in the above-referenced proceeding.

DATED: September 13, 2020 By: /s/ Inge De Bruyn

Inge DE BRUYN